

REMARKS

By this amendment, claims 1-4, 6-11, 13-18, and 20-33 are pending, in which claims 5, 12, and 19 are canceled without prejudice or disclaimer, claims 1, 6, 8, 13, 15, 20, 32, and 33 are currently amended, and no claims are newly presented. No new matter is introduced.

The Office Action mailed July 18, 2006 rejected claims 32 and 33 under 35 U.S.C. § 112, second paragraph, as being indefinite because the limitation, “the protocol” has insufficient antecedent basis, claims 1-3, 8-10, 15-17, 32, and 33 under 35 U.S.C. § 102 (b) as anticipated by *Wandel* (US 6,034,623), and claims 4-7, 11-14, and 18-31 as obvious under 35 U.S.C. § 103 based on *Wandel* (US 6,034,623) in view of *Godfrey et al.* (US 2005/0071079).

REJECTION UNDER U.S.C. § 112

By the current amendment to claims 32 and 33 to clarify that the protocol is the protocol of the wireless network, an antecedent basis is supplied, overcoming the rejection of claims 32 and 33 as being indefinite 33 under 35 U.S.C. § 112, second paragraph.

Accordingly, the Examiner is respectfully requested to withdraw this rejection.

REJECTION UNDER U.S.C. § 102 (b)

Since independent claims 1, 8, and 15 are now amended to include “receiving a location data request for Assisted-Global Positioning System (A-GPS) data over the wireless network from the one telemetry device,” admittedly not taught by *Wandel*, claims 1-3, 8-10, 15-17, 32, and 33 are clearly not anticipated by *Wandel* and a withdrawal of the rejection of these claims under 35 U.S.C. § 102 (b) is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

The Examiner admits that *Wandel* fails to teach a wireless system including a GPS reference network, and wherein a location data request for Assisted-Global Positioning System (A-GPS) data is received over the wireless network from a telemetry device, the telemetry device

determining the location of the object based upon the A-GPS data. The Examiner relies on *Godfrey et al.* for a GPS reference network (pointing to Figure 4, item 405, and paragraphs [0043]-[0045]) and receiving the location data request for A-GPS data over the wireless network from the telemetry device, wherein the device determines the location of the object based upon the A-GPS data (pointing to Paragraphs [0042]-[0048]).

The Examiner then concludes that it would have been obvious to modify the teachings of *Wandel* to include the GPS reference network “because doing so allows for controlling, tracking, or finding a vehicle (Godfrey; Paragraph [0031]).”

Applicants respectfully traverse the rejection under 35 U.S.C. § 103 because the combination of *Wandel* and *Godfrey et al.* is improper and would not result in the instant claimed subject matter.

As Applicants explained in the response of May 10, 2006, *Godfrey et al.* does not disclose or suggest a two-way paging system, as required by the present claims. This is so because the reference mentions the use of a wireless network, namely IEEE 802.11a and IEEE 802.16 networks, but such a wireless network is not a two-way paging system. The Examiner apparently agreed, bringing in the new reference to *Wandel* to provide for such a two-way paging system.

Wandel discloses a Mobitex packet-switched network capable of two-way digital data transmission (column 4, lines 52-53), but *Wandel* is concerned with monitoring and/or controlling **stationary** objects (e.g., door switches; counting the number of items deposited in a drop box; recording current draw and temperature of a motor; lights, alarms systems, etc –See column 1, lines 22-38). The Examiner’s rationale for modifying *Wandel* to include the GPS reference network “because doing so allows for controlling, tracking, or finding a vehicle” has no applicability to *Wandel* because *Wandel* is not concerned with monitoring mobile objects and

Wandel mentions nothing about monitoring the location of and/or controlling mobile objects, such as vehicles. Accordingly, the Examiner's rationale for making the combination, i.e., to include the GPS reference network of *Godfrey et al.* in the system of *Wandel*, amounts to impermissible hindsight because *Wandel* has no need of a GPS system as it is only concerned with radio telemetry used for determining measurement of a process variable or the digital state of a switch. *Wandel* is not concerned at all with determining a location of an object. It already knows the location of the objects in which it is interested. Accordingly, there would have been no suggestion in *Wandel* to lead the artisan to employ any type of GPS reference network in *Wandel*. On the other hand, *Godfrey et al.* is concerned with tracking a vehicle using a GPS reference system, but there is no teaching therein of employing a two-way paging system as none is needed in *Godfrey et al.* since it is not configuring a programmable I/O port of a telemetry device on the object being tracked, as is the present invention.

Accordingly, since *Wandel* has no need of a GPS reference system and the artisan would not have been led to apply such a system comprising **immobile** objects, and *Godfrey et al.* has no need for configuring programmable I/O ports on telemetry devices on the objects being tracked, there would appear to be no reason other than impermissible hindsight for making the proposed combination. The artisan would not have been led, from the teachings of the applied references to employ a two-way paging system network including a GPS reference network for configuring telemetry devices, as set forth in independent claims 1, 8, 15, as now amended, and in independent claims 22, and 27, as previously amended.

Accordingly, the Examiner is respectfully requested to withdraw the rejection of the claims under 35 U.S.C. § 103.


Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any

unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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